

REMARKS

This is a full and timely response to the non-final Office Action mailed on November 1, 2005 (Paper No./Date 20051026). Reconsideration and allowance of the Application and presently pending claims are respectfully requested in view of the foregoing remarks.

I. Response to Claim Rejections under 35 U.S.C. §103

Claims 105-106, 108-115, and 122-133 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,898,762 to *Ellis, et al.* in view of U.S. Patent No. 6,314,572 to *LaRocca, et al.* In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

A. Claim 105

Claim 105 recites:

105. A method implemented by a television set-top terminal (STT) configured to provide television programs and a viewer's preference for advertisement categories, the method comprising:

- configuring a memory in the STT to store the viewer's preference for advertisement categories;
- receiving by a tuner in the STT at least one television program;
- outputting to a television by the STT the at least one television program;
- providing a first-selectable option for the viewer's preference for advertisement categories;
- outputting to a television by the STT a graphical user interface (GUI) that comprises a plurality of viewer selectable advertisement categories, said plurality of viewer selectable advertisement categories including a first advertisement category and a second advertisement category that is different from the first advertisement category;***
- receiving by the STT a first viewer input corresponding to the first advertisement category and a second viewer input corresponding to the second advertisement category;
- responsive to receiving the first and second viewer inputs, storing the first and second advertisement categories in the memory of the STT configured to store the viewer's preference for advertisement categories;
- outputting to the television by the STT an advertisement based on the viewer's preference for advertisement categories, wherein the

advertisement is output by the STT at a future time during an interruption in the presentation of the at least one television program being output by the STT.

(Emphasis Added)

- i. Ellis does not disclose and suggest “outputting to a television by the STT a graphical user interface (GUI) that comprises a plurality of viewer selectable advertisement categories, said plurality of viewer selectable advertisement categories including a first advertisement category and a second advertisement category that is different from the first advertisement category” as recited in claim 105.

The Office Action alleges the following:

“based on the user input for advertisement contents, the advertisement contents corresponding to an interested category is displayed to the user, refer to Figs. 5-6 for advertisement categories as Sports, Children, Music, Events, Premium etc.)”

(Page 3, paragraph 5 of the Office Action)

In fact, *Ellis* discloses the following:

“The program guide may provide users with an opportunity to access program guide features through a main menu. A main menu screen, such as illustrative main menu screen 100 of FIG. 5, may include menu 102 of selectable program guide features 106. If desired, program guide features 106 may be organized according to feature type. *In menu 102, for example, program guide features 106 have been organized into three columns. The column labeled “TV GUIDE” is for listings related features, the column labeled “MSO SHOWCASE” is for multiple system operator (MSO) related features, and the column labeled “VIEWER SERVICES” is for viewer related features.* The interactive television program guide may generate a display screen for a particular program guide feature when a user selects that feature from menu 102. Main menu screen 100 may include one or more selectable advertisements 108. Selectable advertisements 108 may, for example, include text and graphics advertising pay-per-view programs or other programs or products. *When a user selects a selectable advertisement 108, the program guide may display information (e.g., pay-per-view information) or take other actions related to the content of the advertisement.* Pure

text advertisements may be presented, if desired, as illustrated by selectable advertisement banner 110.”

(Col. 10, lines 2-28)

Ellis appears to disclose menu 102 having program guide features 106. Apparently, the menu 102 does not correspond to the selectable advertisement 108. Such selectable advertisements 108 “include text and graphics advertising pay-per-view programs or other programs or products,” which can be selected by a user so that the program guide can display information on the selected advertisement. Applicants respectfully submit that the menu 102 of *Ellis* is not the claimed plurality of viewer selectable advertisement categories as recited in claim 105. Thus, Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest “outputting to a television by the STT a graphical user interface (GUI) that comprises a plurality of viewer selectable advertisement categories, said plurality of viewer selectable advertisement categories including a first advertisement category and a second advertisement category that is different from the first advertisement category” as recited in claim 105.

The Office Action refers to *LaRocca* to only show a “set top box [that] includes a tuner for tuning and providing television program to viewers (*LaRocca*, col. 6/line 57 to col. 7/line 14 for a tuner).” Because *Ellis* and *LaRocca* fail to disclose, teach, or suggest the above-quoted features of claim 105, Applicants respectfully submit that the combination of *Ellis* and *LaRocca* also fails to disclose, teach, or suggest each and every element of claim 105. Thus, a *prima facie* case of obviousness is not established based on *Ellis* and *LaRocca*. Consequently, for at least this reason, among others, Applicants respectfully request that claim 105 be allowed and the rejection be withdrawn.

- ii. *Ellis* does not disclose and suggest “receiving by the STT a first viewer input corresponding to the first advertisement category and a second viewer input corresponding to the second advertisement category; responsive to receiving the first and second viewer inputs, storing the first and second advertisement categories in the memory of the STT configured to store the viewer’s preference for advertisement categories; outputting to the television by the STT an advertisement based on the viewer’s preference for advertisement categories” as recited in claim 105

As mentioned above, *Ellis* appears to disclose menu 102 having program guide features 106. Apparently, the menu 102 does not correspond to the selectable advertisement 108. Such selectable advertisements 108 “include text and graphics advertising pay-per-view programs or other programs or products,” which can be selected by a user so that the program guide can display information on the selected advertisement. Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest “receiving by the STT a first viewer input corresponding to the first advertisement category and a second viewer input corresponding to the second advertisement category; responsive to receiving the first and second viewer inputs, storing the first and second advertisement categories in the memory of the STT configured to store the viewer’s preference for advertisement categories; outputting to the television by the STT an advertisement based on the viewer’s preference for advertisement categories,” as recited in claim 105.

The Office Action refers to *LaRocca* to only show a “set top box [that] includes a tuner for tuning and providing television program to viewers (*LaRocca*, col. 6/line 57 to col. 7/line 14 for a tuner).” Because *Ellis* and *LaRocca* fail to disclose, teach, or suggest the above-quoted features of claim 105, Applicants respectfully submit that the combination of *Ellis* and *LaRocca* also fails to disclose, teach, or suggest each and every element of claim 105. Thus, a *prima facie* case of obviousness is not established based on *Ellis* and *LaRocca*. Consequently, for at least this reason, among others, Applicants respectfully request that claim 105 be allowed and the rejection be withdrawn.

B. Claims 106 and 108-115

Dependent claims 106 and 108-115 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 105. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

C. Claim 122

Claim 122 recites:

A method implemented by a television set-top terminal (STT), comprising:

configuring the STT to receive a first plurality of advertisement data components corresponding to respective advertisements, each advertisement being corresponding to a respective advertisement category in a first plurality of advertisement categories;

outputting to a television by the STT a graphical user interface (GUI) that comprises a plurality of selectable advertisement categories, wherein the first plurality of advertisement categories include the plurality of selectable advertisement categories;

receiving by the STT a plurality of viewer inputs respectively corresponding to viewer-selected advertisement categories from the plurality of selectable advertisement categories, wherein the viewer inputs are provided by a viewer of the television;

responsive to receiving the plurality of viewer inputs, storing in a memory of the STT the viewer-selected advertisement categories; and

after receiving the plurality of viewer inputs, receiving by the STT advertisement data components corresponding exclusively to respective advertisements corresponding to the viewer selected advertisement categories.

(Emphasis Added)

As mentioned above, *Ellis* appears to disclose menu 102 having program guide features 106. Apparently, the menu 102 does not correspond to the selectable advertisement 108. Such selectable advertisements 108 “include text and graphics advertising pay-per-view programs or other programs or products,” which can be selected by a user so that the program guide can display information on the selected advertisement. Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest “outputting to a television by the STT a graphical user interface (GUI) that comprises a plurality of selectable advertisement categories, wherein the first plurality of advertisement categories include the plurality of selectable advertisement categories; receiving by the STT a plurality of viewer inputs respectively corresponding to viewer-selected advertisement categories from the plurality of selectable advertisement categories, wherein the viewer inputs are provided by a viewer of the television,” as recited in claim 122.

The Office Action refers to *LaRocca* to only show a “set top box [that] includes a tuner for tuning and providing television program to viewers (*LaRocca*, col. 6/line 57 to col. 7/line 14

for a tuner).” Because *Ellis* and *LaRocca* fail to disclose, teach, or suggest the above-quoted features of claim 122, Applicants respectfully submit that the combination of *Ellis* and *LaRocca* also fails to disclose, teach, or suggest each and every element of claim 122. Thus, a *prima facie* case of obviousness is not established based on *Ellis* and *LaRocca*. Consequently, for at least this reason, among others, Applicants respectfully request that claim 122 be allowed and the rejection be withdrawn.

D. Claims 123-127

Dependent claims 123-127 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 122. Supra. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600.

E. Claim 128

Claim 128 recites:

A method implemented by a television set-top terminal (STT), comprising:
outputting to a television by the STT a graphical user interface (GUI)
that comprises a plurality of viewer-selectable advertisement categories;
receiving by the STT a plurality of viewer inputs respectively
corresponding to viewer-selected advertisement categories from the plurality of
selectable advertisement categories, wherein the user inputs are provided by a
viewer of the television; and
responsive to receiving the plurality of user inputs, outputting to the
television by the STT a plurality of advertisements respectively corresponding to
at least one of the viewer-selected advertisement categories.

As mentioned above, *Ellis* appears to disclose menu 102 having program guide features 106. Apparently, the menu 102 does not correspond to the selectable advertisement 108. Such selectable advertisements 108 “include text and graphics advertising pay-per-view programs or other programs or products,” which can be selected by a user so that the program guide can display information on the selected advertisement. Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest “outputting to a television by the STT a graphical user interface (GUI) that comprises a plurality of viewer-selectable advertisement categories; receiving by the STT a plurality of viewer inputs respectively corresponding to viewer-selected advertisement categories from the plurality of selectable advertisement categories, wherein the user inputs are provided by a viewer of the television; and responsive to receiving the plurality of user inputs, outputting to

the television by the STT a plurality of advertisements respectively corresponding to at least one of the viewer-selected advertisement categories,” as recited in claim 128.

The Office Action refers to *LaRocca* to only show a “set top box [that] includes a tuner for tuning and providing television program to viewers (*LaRocca*, col. 6/line 57 to col. 7/line 14 for a tuner).” Because *Ellis* and *LaRocca* fail to disclose, teach, or suggest the above-quoted features of claim 128, Applicants respectfully submit that the combination of *Ellis* and *LaRocca* also fails to disclose, teach, or suggest each and every element of claim 128. Thus, a *prima facie* case of obviousness is not established based on *Ellis* and *LaRocca*. Consequently, for at least this reason, among others, Applicants respectfully request that claim 128 be allowed and the rejection be withdrawn.

F. Claims 129-133

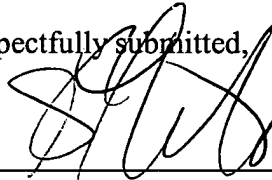
Dependent claims 129-133 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 128. *Supra. In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well-known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing remarks and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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